UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

AUSTIN AITKEN,) CASE NO. 1:14 CV 224
Plaintiff,	JUDGE DONALD C. NUGENT
v.))) MEMORANDUM OF OPINION
MANOR CARE CORP. OFFICE,) AND ORDER
Defendant.)

On February 3, 2014, plaintiff *pro se* Austin Aitken filed this *in forma pauperis* action against defendant Manor Care Corp. Office, located in Toledo, Ohio. Plaintiff alleges that staff at Manor Care Center did not provide appropriate medical care to his mother, who is now deceased.

Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam), the district court is required to dismiss an action under 28 U.S.C. § 1915(e) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact. ¹ *Neitzke v. Williams*, 490 U.S. 319 (1989); *Hill v. Lappin*, 630 F.3d 468, 470 (6th Cir. 2010).

An in forma pauperis claim may be dismissed sua sponte, without prior notice to the plaintiff and without service of process on the defendant, if the court explicitly states that it is invoking section 1915(e) [formerly 28 U.S.C. § 1915(d)] and is dismissing the claim for one of the reasons set forth in the statute. Chase Manhattan Mortg. Corp. v. Smith, 507 F.3d 910, 915 (6th Cir. 2007); Gibson v. R.G. Smith Co., 915 F.2d 260, 261 (6th Cir. 1990); Harris v. Johnson, 784 F.2d 222, 224 (6th Cir. 1986).

Even construing the complaint liberally, there is no suggestion of a possible basis for this Court's jurisdiction. Plaintiff does not invoke a federal statute in support of his claim, and diversity of citizenship between plaintiff and defendants does not exist. This action is therefore appropriately subject to summary dismissal. *Lowe v. Huffstutler*, No. 89-5996, 1990 WL 66822 (6th Cir. May 21, 1990).

Accordingly, this action is dismissed pursuant to 28 U.S.C. § 1915(e), without prejudice to any valid state law claim plaintiff may have under the facts alleged. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

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